

REMARKS

The Patent Office issued an Office Action dated July 20, 2010. In the Office Action, the Patent Office rejected Claims 3, 12, and 13 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office rejected Claim 15 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office rejected Claims 3 and 13 under 35 U.S.C. §101.

Applicant notes with appreciation that the Patent Office has indicated that Claims 4, 5, 7 and 11 are allowable if Claim 4 is amended as suggested in the Office Action. Applicants have amended Claim 4 as suggested.

In response to the Office Action, Applicants have amended Claim 4 and Claims 3, 13, and 15 have been cancelled from consideration. Applicants respectfully submit that the amendments to the claims and the explanations below overcome the rejections to the claims. Applicants submit that all of the claims are now in condition for allowance. Notice to that effect is requested.

The Patent Office rejected Claims 3, 12, and 13 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office states that Claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Patent Office states that Claim 3 calls for each baffle is sized or configured such that a discharge rate through an outlet remains substantially autonomous of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate autonomous of water depth? This is contrary to fluid mechanics. For example, $Q = AV$, wherein Q is the flow rate, A is the area of opening and V is the velocity. The velocity is directly related to h or water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is not clear how the baffle sizing or configuration allows the discharge rate to be autonomous of the water depth. The discharge rate is $Q=AV$, wherein A is the area of opening and V is the velocity.

Claims 3 and 13 have been cancelled to overcome the rejection. The rejection is moot in light of the same.

The Patent Office rejected Claim 15 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office states that claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable one to make and/or use the invention as claimed. The Patent Office states one example one is unable to make a riser that has openings sized or positioned such that a discharge rate through a outlet is controlled and complete settlement of suspended sediments is achieved.

Claim 15 has been cancelled to overcome the rejection. The rejection is moot in light of the same.

The Patent Office rejected Claims 3 and 13 under 35 U.S.C. §101. The Patent Office states that the disclosed invention is inoperative and therefore lacks utility. The Patent Office states that Claim 3 calls for each baffle to be sized or configured such than a discharge rate through an outlet remains autonomous of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate autonomous depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is unclear how to make and/or use a discharge riser having openings sized or positioned such that a discharge flow rate through an outlet remains substantially independent of the water depth.

Claim 3 has been cancelled to overcome the rejection. The rejection is moot in light of the same.

Claims 5, 7, 11-13 depend from Claim 4. These claims are further believed allowable for the same reasons set forth with respect to independent Claim 4 sets forth additional novel steps of Applicant's Drainage Management Systems and Methods.

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so

Application No. 10/692,507
Amendment dated October 19, 2010
Reply to Office Action of July 20, 2010

Docket No.: 022082.0003US

that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Dated: October 19, 2010

Respectfully submitted,

By 

Hani Z. Sayed

Registration No.: 52,544
RUTAN & TUCKER LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, California 92626
(714) 641-5100
Patents@Rutan.com